

ASSEMBLY BILL

No. 2732

Introduced by Assembly Member Washington

February 22, 2002

An act to amend Section 7100 of the Civil Code, relating to retail grocery pricing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2732, as introduced, Washington. Retail grocery pricing.

Existing law requires every retail grocery store or grocery department within a general retail merchandise store which uses an automatic checkout system to cause to have a clearly readable price indicated on 85% of the total number of packaged consumer commodities offered for sale, unless the commodities are otherwise exempted.

This bill would make technical, nonsubstantive changes to existing law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7100 of the Civil Code is amended to
2 read:
3 7100. (a) Every retail grocery store or grocery department
4 within a general retail merchandise store which uses an automatic
5 checkout system shall cause to have a clearly readable price
6 indicated on 85 percent of the total number of packaged consumer

1 commodities offered for sale which are not exempt pursuant to
2 subdivision (b).

3 The management of any such retail grocery store or grocery
4 department shall determine the number of consumer commodities
5 normally offered for sale on a daily basis, shall determine the
6 consumer commodities to be exempted pursuant to this
7 subdivision, and shall maintain a list of those consumer
8 commodities exempt pursuant to this subdivision. The list shall be
9 made available to a designated representative of the appropriate
10 local union, the members of which are responsible for item
11 pricing, in those stores or departments that have collective
12 bargaining agreements, seven days prior to an item or items being
13 exempted pursuant to this subdivision. In addition, the list shall be
14 available and posted in a prominent place in the store seven days
15 prior to an item or items being exempted pursuant to this
16 subdivision.

17 ~~(b) The provisions of this~~ This section ~~shall~~ does not apply to
18 any of the following:

19 (1) Any consumer commodity which was not generally
20 item-priced on January 1, 1977, as determined by the Department
21 of Food and Agriculture pursuant to subdivision (c) of Section
22 12604.5 of the Business and Professions Code, as in effect July 8,
23 1977.

24 (2) Any unpackaged fresh food produce, or to consumer
25 commodities which are under three cubic inches in size, weigh less
26 than three ounces, and are priced under forty cents (\$0.40).

27 (3) Any consumer commodity offered as a sale item or as a
28 special.

29 (4) Any business which has as its only regular employees the
30 owner thereof, or the parent, spouse, or child of such owner, or, in
31 addition thereto, not more than two other regular employees.

32 (5) Identical items within a multi-item package.

33 (6) Items sold through a vending machine.

34 (c) For the purposes of this section:

35 (1) "Automatic checkout system" means a computer capable
36 of interpreting the universal product code or any other code which
37 is on an item offered for sale to determine the price of items being
38 purchased, regardless of whether the code entry is accomplished
39 manually by a human or automatically by a machine.

40 (2) "Consumer commodity" includes:



1 (A) Food, including all material whether solid, liquid, or
2 mixed, and whether simple or compound, which is used or
3 intended for consumption by human beings or domestic animals
4 normally kept as household pets, and all substances or ingredients
5 added to any such material for any purpose. This definition ~~shall~~
6 *does* not apply to individual packages of cigarettes or individual
7 cigars.

8 (B) Napkins, facial tissues, toilet tissues, foil wrapping, plastic
9 wrapping, paper toweling, and disposable plates and cups.

10 (C) Detergents, soaps, and other cleaning agents.

11 (D) Pharmaceuticals, including nonprescription drugs,
12 bandages, female hygiene products, and toiletries.

13 (3) “Grocery department” means an area within a general
14 retail merchandise store which is engaged primarily in the retail
15 sale of packaged food, rather than food prepared for immediate
16 consumption on or off the premises.

17 (4) “Grocery store” means a store engaged primarily in the
18 retail sale of packaged food, rather than food prepared for
19 consumption on the premises.

20 (5) “Sale item or special” means any consumer commodity
21 offered in good faith for a period of 14 days or less, on sale at a
22 price below the normal price that item is usually sold for in that
23 store. The Department of Food and Agriculture shall determine the
24 normal length of a sale held for consumer commodities generally
25 item priced on January 1, 1977, in stores regulated pursuant to this
26 chapter, and that period shall be used for the purposes of this
27 subdivision. The department’s determination as to the normal
28 length of a sale shall be binding for the purposes of this section, but
29 each ~~such~~ determination ~~shall~~ *may* not exceed seven days.